



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:

**BOARD OF PROFESSIONAL LAND SURVEYORS
Rules and Regulations Hearing & Board Meeting**

DATE AND TIME:

Thursday, October 21, 2010 at 8:30 a.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
Conference Room A, second floor of the Cannon Building
November 18, 2010

APPROVED:

MEMBERS PRESENT

Steven Sellers, Professional Member
Michael Szymanski, Professional Member
Laurence McBride, Professional Member
James Bielicki, Jr., Professional Member
Frank Szczuka, Public Member (entered at 8:36)
Mary Chvostal, Public Member

DIVISION STAFF

Frederick Schranck, Deputy Attorney General (entered at 8:42)
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

PUBLIC

Frank Bailey, Wilcox & Fetzer, court reporter
Barbara Gadbois, Esq.
David Dworek
Gene Grady

CALL TO ORDER

Mr. Sellers called the meeting to order at 8:37.

Review and Approval of Minutes

Mr. Sellers moved for the review and approval of the minutes. Mr. Szymanski made a motion, seconded by Mr. McBride, to approve the minutes for September 16, 2010. The motion was unanimously approved.

Hearings

HEARING MINUTES

HEARING – David Dworek

The Delaware Board of Professional Land Surveyors held a hearing on October 21, 2010, at 10:25 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Frank Szczuka, James Bielicki, Michael Szymanski, Stephen Sellers, Laurence McBride, and Mary Chvostal

RECUSED:

EXCUSED:

PURPOSE: Continuance of Hearing

PRESIDING: Stephen Sellers, President

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: David Dworek

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Frank Bailey, Wilcox and Fetzer

TIME STARTED: 10:25 a.m.

The court reporter took verbatim testimony. Mr. Schranck described the reason for the continuance of the hearing and confirmed Mr. Dworek was present for the Hearing. Mr. Szymanski explained to Mr. Dworek about his verified hours in responsible charge. Mr. Dworek didn't really understand about why after working for 22 years in Land Surveying, he doesn't meet the requirements. After further discussion with the Board Mr. Dworek stated that he finally understands what the requirements are for Board approval of his application for licensure in Delaware. The Hearing was closed for Mr. David Dworek.

The hearing concluded at 10:40 a.m.

Mr. Dworek and Mr. Grady requested a continuance for their hearings scheduled at 10:30. The Board unanimously approved to give them the continuance.

Unfinished Business

Deliberations of the Hearing for Bruce McKenna

The Board of Professional Land Surveyors began the deliberations for Mr. McKenna. The Board will resume deliberations at their next regularly scheduled meeting.

Deliberations of the Rules and Regulation changes

The Board went through the proposed Rule and Regulation changes section by section. Under section 12.7.2.3, Mr. Szymanski made a motion to accept the addition of the word "All" and leave all the other wording as is, seconded by Ms. Chvostal. The motion carried with Mr. Bielicki opposing and Mr. McBride abstaining.

Under section 12.8.3.5, Mr. Bielicki made a motion to approve the discussed changes made in this section, seconded by Mr. McBride. The motion was approved by Mr. Bielicki, Mr. McBride, and Mr. Sellers. Mr. Szczuka, Ms. Chvostal, and Mr. Szymanski opposed the motion. The motion failed due to not having the required 4 votes needed to pass.

Mr. Szczuka made a new motion, seconded by Ms. Chvostal, to keep section 12.8.3.5 as it was written the first time. The motion carried with Mr. Bielicki opposing and Mr. McBride abstaining.

Mr. Szymanski made a motion, seconded by Ms. Chvostal, to approve all the incorporated changes. The motion carried with Mr. Bielicki opposing and Mr. McBride abstaining.

Discussion of Senate Bill 308

The Board discussed how Land Surveyors are appointed based on County residence in Delaware. Mr. Szczuka stated that the Board is comprised of four professional members at this time and that we should have at least one professional member from each county. Mr. Szymanski asked what the Board will do if they can not get Board members from each county. After further discussion, Mr. Szczuka made a motion, seconded by Mr. McBride to approve leaving the way the Board is comprised as having at least one professional member from each county. The motion carried with Mr. Szymanski opposing.

Review of Fidel Gonzalez Application

Mr. Bielicki made a motion to approve Mr. Gonzalez's application to sit for the Drainage and Jurisprudence exam now that we have received the verification from Pennsylvania showing he had taken and passed the NCEES exams, seconded by Mr. McBride. The motion was unanimously approved.

NEW BUSINESS

Review application for Reciprocity

Mr. Bielicki reviewed the application for John VanSickle. Mr. Szymanski made a motion to table Mr. VanSickle's application. The Board would like to receive work from Mr. VanSickle that he has completed with his present employers. Mr. Szymanski amended his original motion to include that we receive the original paperwork signed by Mr. Charles Murphy, Jr. seconded by Mr. Bielicki. The motion was unanimously approved.

Ratification of Issuance of Land Surveying Certificates of Authorization

Mr. Szymanski made a motion, seconded by Mr. McBride to ratify the issuance of the Certificates of Authorization for Dewberry and Davis, LLC. The motion was carried with Mr. Szczuka abstaining.

Complaint Assignments

None

Complaint Status

The following complaints were forwarded to the Attorney General's office: 05-01-10 and 05-02-10.

Hearings/Consent Agreements/Board Orders

Mr. Szymanski made a motion, seconded by Mr. McBride to accept the consent agreement for Mr. Hann. The motion was unanimously approved.

Closed Complaints

None

Wall Certificates

None

Audit Compliance Update

Ms. Wagner informed the Board of the letter she sent to Mr. Dumack. He has met his continuing education; however he has not paid the fine that was in his Board Order.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Mr. Sellers asked Ms. Wagner to send a letter to Josef Silny & Associates, Inc. stating that the Board will continue to have their foreign applicants go through the NCEES for credentialing.

PUBLIC COMMENT

There was no public comment.


NEXT MEETING

The next scheduled meeting of the board is November 18, 2010 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Szczuka made a motion, seconded by Mr. Szymanski to adjourn the meeting at 3:06 p.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III